

**REMARKS**

Claims 13-18 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1, 4, 5, 7, 10, 11, 13, 16, 17 and 19 are rejected as being anticipated under 35 U.S.C §102(b) by European Patent Application Publication EP 1,051,045 to Daly (hereinafter *Daly*).

Claims 2, 3, 8, 9, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of U.S. Patent 5,528,295 to Wagner (hereinafter *Wagner*).

Claims 6, 12, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of U.S. Patent 6,674,106 to Tanaka (hereinafter *Tanaka*).

Claim 20 is rejected but the office action does not state grounds for the rejection, e.g. whether it is rejected under § 102 or § 103. Applicant has argued claim 20 with respect to the primary reference under § 102 and believes that this should address any rejection. However, if Applicant is incorrect, Applicant respectfully request an opportunity to argue claim 20 as a new rejection.

Claims 1, 7, 13, and 19 have been amended to include the limitations of claims 4, 10, and 16 respectively. Claims 4, 10 and 16 have been cancelled. New claims 21-22 have been added and are fully supported by the original specification, for instance, at p. 5, lns. 23-25, and p. 7, lns. 12-20.

Claims 1-3, 5-9, 11-15, 17-22 remain pending in this application. No new matter has been added. Applicant respectfully requests reconsideration and withdrawal of the rejections in light of the remarks presented herein.

**New Claims**

New claims 21 and 22 are also allowable because of their dependence on an allowable base claim. Further, claims 21 and 22 recite features that not taught by *Daly* or the other cited art.

**Claims Rejections 35 U.S.C. § 101**

Claims 13-18 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. While Applicant respectfully disagrees with Examiner's characterization and application of § 101 in this case, claim 13 has been amended to expedite prosecution. Support for this amendment may be found, for example, on page 9 lines 21-24.

**Claims Rejections 35 U.S.C. § 102**

Claims 1, 4, 5, 7, 10, 11, 13, 16, 17 and 19 are rejected as being anticipated under 35 U.S.C § 102(b) by *Daly*. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Because the *Daly* reference fails to teach each and every claim element in the present application, Applicant respectfully submits that the above rejections are improper.

Amended claim 1 recites "combining the spectral bands to generate a composite signal, wherein combining the spectral bands to generate the composite signal comprises: accessing a function of the spectral bands; and multiplexing the spectral bands in accordance with the function to combine the spectral bands." Examiner asserts that *Daly* teaches "functions of spectral bands" because the separated image fields in *Daly* are sent through separate noise filters to create a noise free signal (see Office Action pg 4). Applicant respectfully submits that this argument is flawed for at least two reasons.

First, a noise free image signal is simply the image signal itself (see Col. 11, lines 49-53). Thus, it can not logically be called a function of the signal. The logical flaw can be described by the following example: assume there is an input signal X, the signal picks up noise due to system

limitations and becomes  $X'$ , the noise is filtered and the signal  $X$  results. *Ibid.* The resulting signal is not a function of the input signal.

Second, even if the filtered signal can be called a function of a signal, claim 1 recites functions of spectral *bands*, not a function of a spectral *band*. The cited reference separates the YUV channels and creates three separate filtered field images that are then combined (see Col. 11, lines 42-58). Thus each of the filtered field images includes only a single band, and cannot be construed as a function of the spectral *bands*. Therefore, *Daly* does not teach “accessing a function of the spectral bands” or “multiplexing the spectral bands in accordance with the function” in amended claim 1.

Amended claim 7 recites “wherein the image processing module combines the spectral bands to generate the composite signal by: accessing a function of the spectral bands; and multiplexing the spectral bands in accordance with the function to combine the spectral bands.” Examiner asserts that *Daly* teaches “functions of spectral bands” because the separated image fields in *Daly* are sent through separate noise filters to create a noise free signal (see Office Action pg 6-7). However, a noise free image signal is the signal itself, it can not logically be called a function of the signal. Further, claim 7 recites functions of spectral *bands*, not a function of a spectral *band*. The cited reference separates the YUV channels and creates three separate filtered field images that are then combined (see Col. 11, lines 42-58). Thus each of the filtered field images includes only a single band, and cannot be construed as a function of the spectral *bands*. Therefore, *Daly* does not teach the above element of amended claim 7.

Amended claim 13 recites “combine the spectral bands to generate a composite signal by accessing a function of the spectral bands and multiplexing the spectral bands in accordance with the function to combine the spectral bands.” Examiner asserts that *Daly* teaches “functions of spectral bands” because the separated image fields in *Daly* are sent through separate noise filters to create a noise free signal (see Office Action pg 9). However, a noise free image signal is the signal itself, it can not logically be called a function of the signal. Further, claim 13 recites functions of spectral *bands*, not a function of a spectral *band*. The cited reference separates the

YUV channels and creates three separate filtered field images that are then combined (see Col. 11, lines 42-58). Thus each of the filtered field images includes only a single band, and cannot be construed as a function of the spectral *bands*. Thus, *Daly* does not teach this element of amended claim 13.

Amended claim 19 recites “wherein the means for combining the spectral bands to generate the composite signal comprises: means for accessing a function of the spectral bands; and means for multiplexing the spectral bands in accordance with the function to combine the spectral bands.” As shown above, *Daly* fails to teach a function of the spectral bands, and multiplexing in accordance with the function. Thus, *Daly* does not teach this element of amended claim 19

Claim 20 recites “combining the spectral bands to generate a composite signal by accessing a function of the spectral bands, and by multiplexing the spectral bands in accordance with the function to combine the spectral bands.” As shown above, *Daly* fails to teach a function of the spectral bands, and multiplexing in accordance with the function. Thus, *Daly* does not teach this element of amended claim 20.

For at least the above reasons, *Daly* fails to anticipate any of the independent claims of the present application. Dependent claims 5, 11, and 17 depend either directly or indirectly from claims 1, 7, and 13 thus inheriting all the limitations of their respective independent claims. As noted above, *Daly* does not teach every element of independent claims 1, 7 and 13. Consequently, *Daly* also fails to teach every element of dependent claims 5, 11, and 17.

#### **Claims Rejections 35 U.S.C. § 103**

Claims 2, 3, 8, 9, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of *Wagner*. Claims 6, 12, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Daly* in view of *Tanaka*.

One of the requirements to establish *prima facie* obviousness of a claimed invention is that all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d

981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Because *Daly* fails to teach multiple claim limitations as asserted by the Examiner, Applicant respectfully submits that the above rejections are improper.

As noted above, *Daly* fails to teach or suggest every limitation recited by independent claims 1, 7, 13, 19 and 20. The Office Action does not rely upon *Wagner* or *Tanaka* as teaching or suggesting those features, and Applicant asserts that *Wagner* or *Tanaka* do not teach or suggest such features. Therefore, a combination of *Daly* with *Wagner* or *Tanaka* fails to teach or suggest all of the limitations of independent claims 1, 7, and 13. Dependent claims 2, 3, 6, 8, 9, 12, 14, 15 and 18 depend from claims 1, 7 and 13, thus inheriting all the limitations of their respective independent claims. Consequently, the combination of *Daly* with *Wagner* or *Tanaka*, even if proper, also fails to teach or suggest all of the limitations of dependent claims 2, 3, 6, 8, 9, 12, 14, 15 and 18. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of record with respect to claims 2, 3, 6, 8, 9, 12, 14, 15 and 18.

In addition to being allowable based upon depending from allowed claims, the dependent claims include features that are allowable in their own right. For example, claim 6 recites “receiving the composite signal, the composite signal associated with a plurality of display spectral bands...sending a display electrical signal to a display electro-optical element; changing an optical property of the display electro-optical element in response to the display electrical signal to filter for a display spectral band; and transmitting the display spectral band to a display.” Examiner admits that *Daly* does not teach these elements (see office action pg 19). Examiner asserts that *Tanaka* teaches these elements. However *Tanaka* merely teaches the fabrication steps to create pixels in a TFT display. There appears to be no teachings present regarding receiving signals, changing properties in response to signals, and transmitting spectral bands in *Tanaka*. If Examiner persists in this rejection, Applicant respectfully requests clarification on how Examiner believes *Tanaka* teaches these elements.

Further, claim 6 recites “changing an optical property of the display electro-optical element in response to the display electrical signal to filter for a display spectral band.” Examiner cites *Tanaka* region II of Fig. 1 as teaching a display electro-optical element, and col.

8 lines 54-62 as teaching changing an optical property of the electro-optical element. However, this characterization misconstrues the functionality of *Tanaka*. It is clear that region II in *Tanaka* is formed to have an unchanging refractive index. This is done specifically to reduce the reflection off of the transparent glass base and to increase transmissivity. (see Col 9 line 61- Col 10 line 6). Hence the optical properties of the films are never changed as asserted by the Office Action (see Office Action Pg. 20). Therefore Tanaka does not teach "changing an optical property of the display electro-optical element in response to the display electrical signal to filter for a display spectral band."

The rejections of claims 12 and 18 also seem to apply *Tanaka* beyond the scope of the teachings of that reference and clarification is respectfully requested.

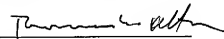
### Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance and respectfully requests favorable examination of claims 1-3, 5-9, 11-15, 17-22.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 46030/P045US/10407184 from which the undersigned is authorized to draw.

Dated: June 29, 2007

Respectfully submitted,

By 

Thomas Kelton  
Registration No.: 54,214  
FULBRIGHT & JAWORSKI L.L.P.  
2200 Ross Avenue, Suite 2800  
Dallas, Texas 75201-2784  
(214) 855-7115  
(214) 855-8200 (Fax)  
Attorney for Applicant

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 29, 2007

Signature: 

Jeffrey H. Penigo